## Decision of the Committee

The Committee may give a decision on the day of the hearing. Alternatively, the Committee may need to provide its decision at a later date.

A copy of the Committee's written decision will be sent to you by registered mail.

You will also be told the date of the Council meeting when consideration will be given to the Committee's decision. The decision will only become final when it is ratified (approved) by City Council.

## After the Hearing

Once a dog designation is final, you are expected to comply with the conditions.

If you have any questions about the conditions or they require approval, ask the Animal Protection Officer who issued your designation.

Where conditions are not complied with, charges may be laid, or your dog designation may be escalated. (Ex. A Dangerous Dog could be designated as Prohibited)

## Accommodations & Interpreters

The appeal hearing is usually held in Council Chambers on the 2nd floor of Kitchener City Hall.

The City of Kitchener is committed to offering services to accommodate persons of all abilities.

Our hearing locations are fully accessible. If you require communication support (translation services, assistive audio devices or any other accessibility or inclusion assistance), please contact the Committee Administrator at 519-741-2200 x7275 as soon as possible.

City of Kitchener
Legislated Services
200 King Street West
Kitchener, ON
N2G 4G7
Phone: 519-741-2200 x7278

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# GUIDE TO DOG DESIGNATION APPEAL HEARINGS

This pamphlet provides general information about appeal hearings under the Dog Designations By-law. This pamphlet does not provide legal advice.

## Right to Appeal

After your dog has been designated you have the right to request an appeal hearing within 5 business days of receiving your designation.

A Hearing will be scheduled for you (the Appellant) to appear before the Dog Designation Appeal Committee.

The Dog Designation Appeal Committee (the "Committee") is usually made up of two City Councillors and one member of the [Kitchener-Waterloo Kennel Club]. The Committee will listen to the testimony and evidence provided during the appeal hearing and make a recommendation to City Council regarding the designation.

**Notice of Hearing**

A Notice of Hearing will be sent to you by registered mail and it is your responsibility to pick this up. The Notice will provide the time and date of your hearing. If you are unable to attend on the date of your hearing, please contact the Committee Administrator immediately. Contact information is available on the Notice.

If your hearing is not rescheduled for another date, you will need to attend your hearing date or send someone on your behalf to request an adjournment (rescheduling of the date). The Committee will decide whether or not to grant this request.

## DOG DESIGNATION APPEAL HEARING

**Disclosure**

Once you have a Notice of Hearing, you will receive a disclosure package including all the information the City has regarding your matter. This may include officer's notes, information about your dog, witness statements and photos. These materials will be sent to the address you have provided on your request for an appeal hearing. If you have not received your disclosure package two weeks before the hearing date, please contact the Committee Administrator.

**Appeal Hearing Process**

- All witnesses will be affirmed that the information they are providing is the truth, similar to testifying in court.
- A Lawyer acting on behalf of the City (Respondent) will question their witnesses and present evidence, after which you and the Committee may ask questions.
- You (Appellant) and any witness you have, can then provide evidence and testimony; after which the Respondent's Lawyer and the Committee members may ask questions.
- Both sides will be asked to provide summations, the Committee will then retire to another room to make their decision.

## APPEAL HEARING (cont'd)

**Testimony**

Your testimony will help the Committee make a decision. You may want to explain:

- What you believe took place or what caused the incident
- Requests regarding the designation or assigned conditions
- Steps you have taken to ensure the dog does not repeat the behaviour

**Witnesses**

You have the ability to bring witnesses, or written statements from witnesses who observed the incident, to present as evidence to the Committee. Veterinarians and other professionals, such as behaviouralists, who are familiar with the temperament of the designated dog may provide useful information to assist the Committee in making a decision.

**Evidence**

You may also bring copies of relevant photographs or witness statements to submit as evidence to the Committee. If using photographs, be prepared to tell the Committee when they were taken, what they show, and who took the photos. Submissions are not returned so please use copies.